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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/730,110

12/05/2000

J. Roger Davis

DP-301393

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7590

03/30/2004

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EXAMINER

NGUYEN, DUC M

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 03/30/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/730,110

Applicant(s)

DAVIS ET AL.

Examiner

Duc M. Nguyen

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 11-19, 27 and 29-33 is/are allowed.
- 6) ☐ Claim(s) 1, 7-10, 20 and 24-26 is/are rejected.
- 7) ☐ Claim(s) 2-6, 21-23, 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references listed in the information disclosure statements submitted on 11/20/03 has been considered by the examiner (see attached PTO-1449).

### *Claim Objections*

2. Claim 28 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

- The claim recites the limitation that already presented in claim 22 (see claim 20).

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 20, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hudecek et al (US 6,289,207).

Regarding claims 1, 20, Hudecek discloses a tunable radio with adjustable seek sensitivity, comprising :

- a radio receiver as claimed (see Fig. 3);
- an adjustable tuner as claimed (see Fig. 3 and col. 20, lines 23-39);

Art Unit: 2685

- a detector as claimed (see Fig. 3 and col. 20, lines 23-39);
- a seek input as claimed (see Fig. 3 and col. 20, lines 23-39);
- a controller as claimed (see Fig. 3 and col. 20, lines 23-39);

Regarding claim **24**, the claim is rejected for the same reason as set forth in claim 7 above. In addition, Hudecek discloses the comparing step as claimed (see col. 6, lines 43-51).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **7-10, 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Marrah (US 6,526,268)** in view of **Hudecek**.

Regarding claims **7-8**, **Marrah** discloses a radio receiver which comprises a weather band tuner for tuning to NOAA broadcast messages while the tuner is in the playback (inactive) mode (see col. 6, lines 9-11). In addition, since Marrah discloses a conventional AM/FM tuner (see col. 3, lines 30-43), it is clear that Marrah would disclose all the claimed limitations except for the adjustable seek sensitivity threshold. However, **Hudecek** discloses a tunable radio with adjustable seek sensitivity (see col. 20, lines 23-39). Therefore, it would have been obvious to one skill in the art to

Art Unit: 2685

incorporate the above teaching of Hudecek to Marrah for providing an adjustable seek sensitivity threshold as claimed, for improving the performance of the scanning feature.

Regarding claims **25-26**, the claims are rejected for the same reason as set forth in claims 7-8 above.

Regarding claims **9-10**, the claims are rejected for the same reason as set forth in claim 7 above. In addition, Marrah discloses a car radio (see col. 3, lines 30-43).

#### **Allowable Subject Matter**

6. Claim 28 would be allowable if rewritten to overcome the objection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claims 2-6, 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 11-19, 27, 29-33 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 2, 11, 21, 27, the cited prior art fail to disclose or made it obvious a method or apparatus for adjusting seek sensitivity threshold of a radio tuner which comprise steps as specified in the claimed, wherein a controller determines when to adjust the seek sensitivity threshold based on a signal indicative of vehicle travel.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Morande et al** (US 6,295,444), Non-predictive tone-coded-squelch frequency determination method.
- **Schwob** (US 5,152,012), Broadcast receiver capable of automatically updating location and performing spiral searching.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen



Mar 18, 2004